

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	) ) MDL No. 1456 ) Master File No. 01-12257-PBS ) Subcategory Case No. 03-10643-PBS )
THIS DOCUMENT RELATES TO:  <i>The City of New York, et al.</i> v. <i>Abbott Laboratories, et al.</i>	) ) Judge Patti B. Saris ) ) Magistrate Judge Bowler ) ) )

**PLAINTIFFS' NOTICE OF WITHDRAWAL OF THEIR MOTION  
TO COMPEL DISCOVERY FROM DEFENDANTS  
SCHERING CORPORATION AND SCHERING-PLOUGH CORPORATION**

PLEASE TAKE NOTICE that, plaintiffs, the City of New York and New York Counties, respectfully notify the Court that plaintiffs hereby withdraw, without prejudice, their Motion to Compel Discovery From Defendants Schering Corporation and Schering-Plough Corporation (collectively "Schering"), filed September 9, 2009 ("Motion to Compel").

The motion is withdrawn because Schering has agreed to produce the requested discovery on or before October 2, 2009. Plaintiffs expressly reserve the right to re-file this motion in the event that Schering does not produce at that time.

Dated: September 21, 2009

Respectfully Submitted:

By: /s/ Joanne M. Cicala  
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*Counsel for Plaintiffs*  
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**CERTIFICATE OF SERVICE**

I, James Carroll, hereby certify that I caused a true and correct copy of the foregoing, Plaintiffs' Notice of Withdrawal of Their Motion to Compel Discovery From Defendants Schering Corporation and Schering-Plough Corporation, to be served upon all counsel of record via electronic service, pursuant to Case Management Order No. 2, by sending a copy to LexisNexis File & Serve for posting to all parties.

Dated: September 21, 2009

/s/ James Carroll  
KIRBY McINERNEY LLP